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THE

UNIVERSITY OF PENNSYLVANIA

IN ITS RELATIONS TO THE

STATE OF PENNSYLVANIA.

BY

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THE UNIVERSITY OF PENNSYLVANIA IN ITS RELATIONS TO THE STATE OF PENNSYLVANIA.[1]

The settlement of Pennsylvania being due to the unrest of the members of a religious sect whose advanced thought brought them into conflict with existing conditions in England, and the moral and mental breadth of its founder having led him to offer it as a home, not only for those of his own way of thinking, but for all in that island and upon the Continent who had in vain wrestled against intolerance, it was but natural that his province should attract more men of learning than other colonies whose promoters were simply seeking for profit, or were bent upon the enforcement of illiberal policies. Therefore it came about that among the early colonists of Pennsylvania were an unusual number of men of scholarly attainments, some of whom had been doughty champions upon one side or the other in the polemical warfare then being everywhere waged, a struggle necessary for, and preparatory to, the establishment of the principle that humanity is capable of governing itself. Penn, the founder of a successful State and a practical legislator whose work has stood the test of time, as well as the most conspicuous figure among the colonizers of America, was a student of Oxford University and a profuse writer of books of verse, travel, doctrine, and controversy, which made a strong impress upon the thought of his time.

[1] In the preparation of this paper I have used freely Dr. Stillé's "Memoir of William Smith" and Wickersham's "History of Education in Pennsylvania," and I am indebted to Mr. F. D. Stone for calling my attention to the interesting fact that the Constitution of 1776 provided expressly for university education.

James Logan devoted the leisure left to him after attending to the interests of the proprietor to the translation from the Latin of the Cato Major and the Moral Distichs, and he collected a library of rare books which was then unrivalled upon this side of the Atlantic, and even now would be considered extraordinary. David Lloyd, a lawyer, ready and pertinacious in the discussion of all questions affecting the polity of the province, was equally skilful in the drafting of acts of Assembly and the compilation of the laws. George Keith, trained in the schools of Edinburgh, was the author of numerous treatises upon theology, and, together with Penn and Robert Barclay, of Ury, defended the Quaker doctrines against the assaults of the learned divines of the European churches. Francis Daniel Pastorius, lawyer, linguist, and philosopher, proud of his pedigree, and fresh from the public discussion of abstruse questions of ethics and government upon the university platforms of the Continent, signalized his arrival at Germantown by the preparation and publication, in 1690, of his "Four Treatises," and left for future generations a bibliography in manuscript of the volumes in his library. Ludwig, Count Zinzendorf, of noble lineage and influential surroundings, came with the Moravians, whose leader he was, to the hills of the Lehigh, but was not prevented by the practical duties of looking after the welfare of his flock from writing numerous collections of hymns, sermons, and addresses. Christopher Taylor, familiar with the Latin, Greek, and Hebrew languages, of which he had prepared and published a text-book, had long been the head of a school at Edmonton in Essex. Not only were there many such individual instances of more than ordinary learning, but the sects from which the early population of Pennsylvania was mainly drawn, though they regarded the amusements and adornments of life as frivolities by means of which Satan was enabled to lead souls astray, were, nevertheless, people of great intellectual activity, finding prolific expression abroad in a flood of publications, and it was not surprising that soon the printing-houses of the Bradfords, Keimer, Sower,

Ephrata, Franklin, and Bell, the most productive in the colonies, sprang up here to supply their mental needs. A community with such examples before them, and permeated with such influences, could not long remain without an institution giving the opportunities for the higher education of youth. The frame of government announced by Penn as early as April 25, 1682, provided that the "Governor and Provincial council shall erect and order all publick schools and encourage and reward the authors of useful sciences and laudable inventions," and directed the council to form a "committee of manners, education, and arts, that all wicked and scandalous living may be prevented, and that youth may be successively trained up in virtue and useful knowledge and arts." At the meeting of the council on the 17th of Eleventh Month, 1683, a "school of arts and sciences" was proposed, and in 1689 the William Penn Charter School, still in existence and doing most valuable work, was formally opened. Following the suggestion of the petition of Anthony Morris, Samuel Carpenter, Edward Shippen, David Lloyd, and others, the Assembly, in its charter granted in 1711, provided for the instruction of "poor children" in "reading, work, languages, arts, and sciences." This school, in its successful operation, was the forerunner of the University of Pennsylvania, and the later institution had, like its predecessor, its origin in that spirit of broad philanthropy, regardful of the welfare of the lowly, which has ever been characteristic of Philadelphia, and has resulted in the establishment of so many of her public institutions.

In 1740 a number of citizens of different religious denominations united in raising subscriptions for the purpose of erecting a large building to be used as a charity school for the instruction of poor children gratis in useful literature and the Christian religion, and also as a place of public worship. In addition to the establishment of the school, they had in view the special object of providing a convenient house in which George Whitefield could preach whenever he came to Philadelphia. The lot was purchased on

the 15th of September of that year and the building was erected. Subsequently the design was enlarged to include the idea of an academy, and on the 1st of February, 1749, the lot and buildings were conveyed to James Logan and twenty-three other trustees, upon the trust that they should keep a house or place of worship for the use of such preacher as they should judge qualified, and particularly for the use of Whitefield, and a free school for the instructing, teaching, and education of poor children, and should have power to found an "academy, college, or other seminary of learning for instructing youth in the languages, arts, and sciences." The same year Benjamin Franklin, ever quick to catch inspiration from the events occurring around him, published his "Proposals relating to the Education of Youth in Pennsylvania." He alleges in his autobiography that the foundation of the academy was due to the publication of this paper and his own subsequent personal efforts. He says, "This I distributed among the principal inhabitants gratis; and as soon as I could suppose their minds prepared by the perusal of it I set on foot a subscription for opening and supporting an academy—avoiding as much as I could, according to my usual rule, the presenting myself to the publick as the author of any scheme for their benefit." The question may be raised whether this account, written many years later, is quite accurate. Dr. Caspar Wistar, a contemporary, and himself long identified with the work and fame of the University, says, in his "Eulogium on William Shippen," p. 21, while speaking of the services of Phineas Bond, "In conjunction with the much respected Thomas Hopkinson, he originated the scheme of the college now the University of Pennsylvania." The trustees, among whom Thomas Hopkinson, Tench Francis, and Richard Peters, with Franklin, appear to have been particularly active and efficient, secured among themselves and their friends an endowment for the academy amounting to eight hundred pounds a year for five years, and the city gave an additional sum of one hundred pounds a year for five years, and two hundred pounds in cash.

The institution thus established was incorporated by Thomas and Richard Penn, proprietors and governors of the province, on the 13th of July, 1753, under the name of "The Trustees of the Academy and Charitable School in the Province of Pennsylvania." The charter sets out, that it having been represented by the trustees named that for establishing an academy "as well to instruct youth for reward as poor children whose indigent and helpless circumstances demand the charity of the opulent," several benevolent persons have paid subscriptions expended in the purchase of lands and a building commodious for maintaining an academy "as well for the instruction of poor children as others whose circumstances have enabled them to pay for their learning," and that favoring such useful and charitable designs, the trustees are given power to purchase lands, to receive any sum of money or goods "therewith to erect, set up, maintain, and support an academy or any other kind of seminary of learning in any place within the said province of Pennsylvania where they shall judge the same to be most necessary and convenient for the instruction, improvement, and education of youth in any kind of literature, erudition, arts, and sciences which they shall think proper to be taught;" to sue and be sued, and to have a seal, and to make ordinances and statutes for their government. A confirmatory charter was granted by the same proprietaries, dated June 16, 1755, which changed the name to that of "The Trustees of the College, Academy, and Charitable School of the Province of Pennsylvania," and limited the power to hold lands to an amount not exceeding five thousand pounds sterling in yearly value; and gave power to confer degrees and to appoint a provost, vice-provost, and professors. It is thus seen that the plan of the charitable school which originated in 1740 is not only maintained in the deed of 1749 and in both of the charters, but is made an essential and conspicuous feature of the design. It is of importance to call particular attention to this fact, because in all printed accounts of the University heretofore its origin has been assigned to the efforts of 1749, though

the movement really began with the subscription purchase of land and erection of a building for a charitable school nine years before, and the institution is entitled to claim 1740 as the date of its birth, and philanthropy as its primary object.[1]

By the confirmatory charter of 1755, the Rev. William Smith, M.A., was, at the request of the trustees, appointed the first provost. He was a native of Aberdeen in Scotland, and was graduated from the University there, became a clergyman of the Church of England, and coming first to New York and subsequently to Philadelphia, where an article written by him upon "The College of Mirania" had made a favorable impression, he was selected to take charge of the college and academy in 1754. To his intelligence, energy, and activity in its behalf its immediate and great success was mainly due. He submitted a plan of education, adopted and carried into effect in 1756, more comprehensive, as Dr. Stillé tells us, than any other then in existence in the American colonies.[2] When in England, in 1759, he secured from Thomas Penn a deed conveying for the benefit of the college one-fourth of the Manor of Perkasie, in Bucks County, consisting of about two thousand five hundred acres of land, and finding it in debt, he went again abroad, in 1762, and in two years, by indomitable exertion, secured, notwithstanding the opposition of Dr. Franklin, who "took uncommon pains to misrepresent our academy," the very large sum of £6921 7*s.* 6*d.* Of this amount, Thomas Penn, the chief patron of the college, whose gifts for the purpose during his life equalled £4500, contributed £500, the king £200, and there were over eleven thousand other contributors. In those days the pursuits of men were not so much differentiated as they have since become, and, as

[1] "There is also an Academy, or College, originally built for a Tabernacle by Mr. Whitefield."—*Burnaby*, p. 60.

[2] Rev. Andrew Burnaby, D.D., says, in his "Travels through North America in 1760," "This last institution is erected upon an admirable plan, and *is by far the best school of learning throughout America.*"—*Third edition*, p. 66.

might have been expected from one with the acquirements and mental activities of Dr. Smith, his voice was heard and his hand was felt in all of the affairs of the province. As a clergyman, he preached fast-day sermons; as an orator, he delivered addresses upon public occasions; he made investigations in astronomy and other sciences, edited a magazine, and, moreover, he was a speculator in lands, and an active politician. He was regarded as the exponent of the views of the college and the custodian of its interests, and while it was benefited by his exertions, it also suffered through the antagonisms he aroused. A churchman and a friend of the proprietors, he cordially disliked and opposed the Quakers, who elected the Assembly and controlled public affairs, and the German Mennonites, Dunkers, and Moravians, through whose support they were able to do it. In 1755 he published a political pamphlet in which he denounced the Quakers for being influenced by interest rather than conscience, and accused the Germans of sympathizing with the French in their aggressions. He married the daughter of William Moore, president judge of the Court of Common Pleas of Chester County, an aristocratic and influential personage, living on his estate at Moore Hall, on the Pickering Creek, twenty-five miles from the city.

On the 23d of November, 1755, Moore, who, besides holding his peaceful judicial office, was a colonel in the militia, wrote a letter to the Assembly, saying that he was coming down to Philadelphia with two thousand men to compel them to pass a law providing means for military protection. His letter marked the beginning of a struggle that shook the whole province and was fraught with baleful consequences to both Smith and the college. During the succeeding two years numerous petitions were presented to the Assembly, charging Moore with tyranny, injustice, and even extortion, in the conduct of his office, and asking that he might be removed. The Assembly, after a hearing, many times adjourned in order to give him an opportunity to be heard, but which he declined to attend upon the ground that they had no authority to make the investigation, deter-

mined that he was guilty of the wrongs charged. Soon afterwards, October, 19, 1757, he wrote and published a paper wherein he fiercely reviewed their action, calling it "virulent and scandalous," and a "continued string of the severest calumny and most venomous epithets, conceived in all the terms of malice and party rage." Immediately after the meeting of the new Assembly, composed for the most part of the same members as the preceding, they sent the sergeant-at-arms with a warrant for the arrest of Moore and of Dr. Smith, who was supposed to have aided in the preparation of the paper. Upon being brought before the Assembly, they refused to make a defence, though Moore admitted he had written the paper, and declined to retract any of its statements, and it was ordered that he be confined until he should recant, and the address be burned by the hangman. They were given into the custody of the sheriff and were kept in jail in Philadelphia for about three months, "herding with common thieves and felons," but after the adjournment of the Assembly were released upon a writ of *habeas corpus*. Smith went to England to prosecute an appeal to the crown, and on February 13, 1760, "His Majesty's high displeasure" was announced to the Assembly at their unwarrantable behavior in assuming power that did not belong to them, and invading the royal prerogative and the liberties of the people. It was a personal triumph for Dr. Smith, but ere long came the Revolutionary War, when his opponents grasped the reins of power, and neither the royal government nor the king himself could render him any aid.

Early in 1779 the Assembly appointed a committee "To inquire into the present state of the college and academy," and in July, General Joseph Reed, President of the State, suggested to the trustees that since some of them were under legal disqualifications, it would be wise not to hold a public commencement. When the new Assembly met, in September, the president in his message said, with reference to the college, that it "appears by its charter to have allied itself . . . closely to the government of Britain by making

the allegiance of its governors to that State a prerequisite to any official act," and that he could not think "the good people of this State can or ought to rest satisfied or the protection of the government be extended to an institution framed with such attachments to the British government, and conducted with a general inattention to the authority of the State." A committee appointed to consider the subject reported, recommending a bill which should "secure to every denomination of Christians equal privileges, and establish said college on a liberal foundation, in which the interests of American liberty and independence will be advanced and promoted, and obedience and respect to the constitution of the State preserved." An act of Assembly was thereupon passed, November 27, 1779. It set out that the trustees had narrowed the foundations of the institution, and it declared the charters of 1753 and 1755 void. It provided that the estate, real and personal, should be vested in a board of trustees, consisting of the president and vice-president of the Supreme Executive Council of the Commonwealth, the speaker of the Assembly, the chief-justice of the Supreme Court, the judge of Admiralty, and the attorney-general, the senior ministers of the Episcopal, Presbyterian, Baptist, Lutheran, German Calvinist, and Roman churches in the city, Benjamin Franklin, William Shippen, Frederick A. Muhlenberg, James Searle, William A. Atlee, John Evans, Timothy Matlack, David Rittenhouse, Jonathan Bayard Smith, Samuel Morris, George Bryan, Thomas Bond, and James Hutchinson, by the name of "The Trustees of the University of the State of Pennsylvania," and directed that confiscated estates of the yearly value of not over fifteen hundred pounds should be reserved for the maintenance of the provost and assistants and to uphold "the charitable school of the said University." An oath of allegiance to the Commonwealth was substituted for the former one to the crown, and means were provided to compel a transfer of the property by the trustees of the college to the trustees appointed by the act. This action of the Assembly has been characterized as a

simple act of spoliation, and so much of it as took away the estates and franchises of the college was repealed in 1789, upon the ground that it was "repugnant to justice, a violation of the constitution of the Commonwealth, and dangerous in its precedent to all incorporated bodies." Its supporters had succeeded in driving Dr. Smith away from the city, but they had not been able to infuse life into the new University, and, though aided by a loan by the State of two thousand pounds, it languished in debt. The effect of the repeal was to renew the college, and, in consequence, there were two institutions having in view substantially the same objects and seeking the same support. They were united by an act of Assembly of September 30, 1791, which provided for the vesting of the estates of both in a board of new trustees, consisting of twelve elected by each, and the governor of the Commonwealth, under the name of "The Trustees of the University of Pennsylvania," who were given power "to do everything needful and necessary to the establishment of the said University and the good government and education of the youth belonging to the same, and to constitute a faculty or learned body to consist of such head or heads and such a number of professors in the arts and sciences, and in law, medicine, and divinity as they shall judge necessary and proper." The connection of the institution with the State was maintained by providing that the governor should be one of the trustees, and that an annual statement of the funds should be laid before the Legislature. This final act of fundamental legislation affecting the grant of rights to the University declared that "charity schools shall be supported, one for boys and the other for girls," thus preserving the chief thought which was in the minds of its originators in 1740. The school intended in its beginning to be a charity had been enlarged into a college and academy to teach the arts and sciences in 1753, and had now grown into a University, including in its course instruction in law, medicine, and divinity.

The school of medicine was opened in 1765 by Dr.

John Morgan, that of law in 1791 by Justice James Wilson, and each was the first upon that special subject in America.

The reservation of confiscated estates in the act of 1779 was the first direct contribution made by the Commonwealth of Pennsylvania to the cause of higher education. The lands so reserved were estimated to be worth £25,000, and in 1785 their annual value was £1381 5*s.* 7½*d.* By the act of March 19, 1807, the sum of $3000 was granted "out of the monies they owe the State," to the trustees, "for the purpose of enabling them to establish a garden for the improvement of the science of botany and for instituting a series of experiments to ascertain the cheapest and best food for plants and their medicinal properties and virtues."[1] By act of May 5, 1832, their real estate in the city of Philadelphia was exempted from "county, poor, and corporation taxes" for fifteen years. A general act which became a law April 16, 1838, exempted "all universities, colleges, academies, incorporated, erected, ordained, or established by virtue of any law of this Commonwealth, with the grounds thereto annexed, from all and every county, road, city, borough, poor, and school tax." This act received judicial construction in the case of the City of Philadelphia *vs.* The Trustees, 8 Wright, 360, where it was held that the medical hall of the University, occupied by the faculty whose compensation was derived from the proceeds of their respective chairs, was under it exempt from taxation. Section 1, Article IX. of the present constitution of the State provides that the Assembly may by general law exempt from taxation "institutions of purely public charity," and the act of May 14, 1874, passed in pursuance of this article of the constitution, relieves from county, city, borough, bounty, road, school, and poor tax all universities, colleges, seminaries, and academies "endowed and maintained by public or private charity."

[1] In W. P. C. Barton's "Compendium Floræ Philadelphicæ," published in 1818, there are numerous references to plants in the botanical garden of the University.

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In 1838 the Legislature made provision for an annual appropriation of one thousand dollars for ten years to each university maintaining four professors and instructing one hundred students. The University of Pennsylvania received the annual sum until 1843. In that year the appropriation was reduced one-half, and the following year it failed utterly. The act of May 11, 1871, extended the power of the trustees to acquire real and personal property, and enabled them to hold an additional amount to the clear annual value of thirty thousand dollars. In 1872 the State gave to the University the sum of one hundred thousand dollars upon condition that it should raise an additional sum of two hundred and fifty thousand dollars, "the entire appropriation to be expended in the erection of a general hospital in connection with said institution, in which at least two hundred beds free for persons injured shall be forever maintained," and the following year a further sum of one hundred thousand dollars for the same purpose, upon the condition that it should raise a like amount. By the act of May 29, 1889, the State made an appropriation of twelve thousand five hundred dollars, to be paid to the trustees for the erection of a veterinary hospital, upon the condition that they should furnish free of cost "to deserving young men of this State to the number of not less than twelve in attendance at one time, said young men to be nominated by the governor of the Commonwealth, and in perpetuity, free instruction in the art and science of veterinary medicine and surgery." It is interesting to note that this last act of legislation affecting the welfare of the University is one of generosity upon the part of the State, looking towards enlarged usefulness in the conduct of the institution and the further extension of its benefits among the people of Pennsylvania, and that the broad-minded and liberal policy adopted by Thomas Penn one hundred and forty years ago has been continued down to the present time. In the language of General John F. Hartranft, himself a distinguished soldier, governor of the State, and president of the Board of Trustees, in an address at the inauguration of the hos-

pital thus established, this policy is "in keeping with the generosity of the great State which gave this institution its corporate existence, and is to-day, and it is hoped always will be, proud of her offspring, the University of Pennsylvania."

When the impartial historian comes to record the many events in which Pennsylvania has reason to take great pride, not the least of them will be the fact that in her first constitution, that of 1776, she made it a part of the fundamental law that "all useful learning shall be duly encouraged and promoted in one or more universities."

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